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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,511	07/22/2003	Hidetsugu Saeki	50195-382	5810

7590 11/22/2004
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER


PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/623,511	Applicant(s) SAEKI, HIDETSUGU	
	Examiner Joseph D. Pape	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 8-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/27/04.

Specification

2. The abstract of the disclosure is objected to because on lines 2-3, the phrase "inclined outwardly in the width direction of the vehicle as directed ahead of the vehicle" is confusing and unclear. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

On page 2, line 8, "pair" is misspelled.

On page 5, line 10, page 9, line 23, and page 16, line 10, "directing to rearward" should be changed to --directed rearwardly-- for greater clarity. On line 12 of page 5 and pages 9-10, the last line to the first line, "directing to inwardly" should be changed to --directed inwardly-- for greater clarity. On line 23, "e"-imaginary is unclear.

On page 6, line 9, it appears that "20" should be --P--.

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On page 9, lines 11-12, the statement that the subframe 30 is connected to members 15 at “four positions” is inaccurate in that it is only connected to members 15 at two positions and then to the attachment members 23 at two positions.

On page 10, line 2, “transmits” should be changed to –transmit--. On line 16, “F” should be changed to –11F--. On line 18, “mechanisms” should be changed to –mechanism--.

On page 11, line 9, and page 10, line 14, “directing to inside and rearward” should be changed to directed –inwardly and rearwardly--.

On page 13, “directing to inside” should be changed to –directed inwardly—for greater clarity.

On page 14, lines 11-12 are awkwardly phrased. On line 21, it is thought that “2” should be changed to –B2--.

On page 16, line 8, “directing to inwardly and rearward should be changed to --directed inwardly and rearwardly--.

Appropriate correction is required.

Claim Objections

4. Claims 1-7 and 11-12 are objected to because of the following informalities:

In claim 1, line 2, “pair” is misspelled.

In claim 2, line 2, “comprises” should be changed to –comprise—for clarity. On line 7, “member” should be changed to –members—for consistency. On line 11, the

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phrase "directing ahead of the vehicle" is awkward, unclear phraseology. On line 19 it is thought that —relative—should be added after "straight" for greater clarity. The second to last line is awkwardly phrased.

In claim 6, it is thought that "the" before "part" on line 4, and "the" before "front" on line 7, should be changed to —a—for greater clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 8-9 and claim 12 lines 7-8, "impact load direction" and "impact load" have no clear antecedent basis.

In claim 1, line 10, and line 19 "reinforcing part" has no clear antecedent basis in that a two reinforcement members were previously set forth and it is unclear whether one or both of the pair of reinforcements are being referenced. On line 13, "side member" has no clear antecedent basis in that a pair of side members were previously set forth and it is unclear whether one or both of the pair of reinforcements are being referenced. On lines 14-15, "imaginary sections" is

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inferentially recited and the phrase "continuing in the longitudinal direction" is vague and indefinite. On line 17, "imaginary sections" is inferentially recited and it is unclear whether the term refers to the imaginary sections previously mentioned or not. On line 21, it is unclear to which element of the invention the term "front end" refers.

Claims 1-7 and 11 contain instances of indefiniteness stemming from the recitation of "pairs" of longitudinal structural members and side members and then reciting single elements such as "side member front area", reinforcing part", and "sub side member" associated with the "pairs" without clearly specifying that each of the elements of the "pairs" include the single elements.

In claim 4, line 2, the exact meaning of the phrase "formed in a different body" is unclear. On line 4, it is unclear how the rear end of the side member is detachably connected to a "vicinity" of the reinforcing part. On line 5, the exact meaning of the phrase "formed in one body" is unclear.

In claim 6, line 2, "curved part" (of the side member rear area) has no clear antecedent basis in that in claim 5 the reinforcing part was defined as having a "curved part" and not the side member rear area.

In claim 11, line 2, it is unclear how the sub-frame is connected to "vicinities" of supporting points.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 12, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kitawaga.

Kitawaga discloses the claimed invention including longitudinal structural members 1, a front compartment with a power unit 5 therein, and an impact load transfer mechanism defined by the front portions 1a of the structural members that provides for inwardly directed deformation of the structural members 1 to change a portion of the impact load direction to a lateral direction and for transmitting the load directly to the structural member as shown in Figure 12 and would also inherently engage and thus transfer a load to the power unit with a large enough impact load.

Allowable Subject Matter

9. Claims 2-7 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

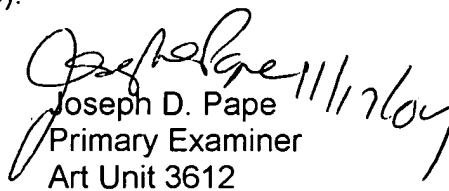
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other references cited show front vehicle impact constructions similar to that of the current invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612

Jdp

November 17, 2004